IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 13568 of 2004

Between:

B.Radhamma, W/o B.K.Goud,
R/o 40-214-A, Bangarpet Street, Kurnool, Kurnool District

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Kurnool, Kurnool District
2 The Asst.Motor Vehicle Inspector, Flying Squad, Kurnool, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or Order, direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP 21 V 4020 vide vehicle Check Report No.0285195, dated 15-05-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No.AP 21 V 4020 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORDER:

The petitioner is the owner of a vehicle bearing Registration No.AP 21 V 4020. The said vehicle was seized under Vehicle Check Report dated 15.5.2004 by the 2nd respondent on the ground that the petitioner failed to produce the documents of the vehicle at the time of checking.

The petitioner contends that she made an application for release of the vehicle, the 1st respondent did not entertain the same and further represents that she also submitted another representation on 27.7.2004 through registered post with acknowledgement due and the enquiry regarding the disposal of the vehicle is pending before the 1st respondent.

The petitioner is at liberty to approach the 1st respondent and produce the documents of the vehicle, if any, with her to enable the 1st respondent to pass appropriate orders. The 1st respondent has to consider as to whether the petitioner violated any provisions of the Motor Vehicles Act and whether the vehicle was not having valid documents or not.

The petitioner further submits that the vehicle is lying idle and it is exposed to sun and rain and if it remains like that, it is likely to be damaged. Therefore, she seeks a direction to the 1st respondent to release the vehicle for interim custody.

In view of the representation made by the petitioner, the writ petition is disposed of directing the first respondent to grant interim custody of the vehicle in question to the petitioner on her depositing a sum of Rs.5,000/- (Rupees Five Thousand only) with the following conditions:

i. that the vehicle in question shall not be alienated or transferred to any other person;

ii. that the vehicle shall be produced as and when required by the concerned authority;

iii. that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rues framed thereunder;

iv. in the circumstances no order as to costs.

3rd August, 2004

N.B.:

C.C. by tomorrow

(BO)

Nn.